

**MINUTES OF THE MEETING
OF THE
BOARD OF CHIROPRACTIC**

August 12, 2005

ROLL CALL

Lance Earhart, Chairperson, called the meeting of the Board of Chiropractic to order at 9:15 a.m., on Friday, August 12, 2005 in Conference Room Lower Level D, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda 10 days prior to the meeting and posting the agenda at the entrance of the Health and Human Services Department at least twenty-four (24) hours prior to the meeting.

The following Board members and HHSS Staff were present at the meeting:

Lance Earhart, DC, Chairperson
Kevin Davis, DC, Vice Chair
Gaylord Hanssen, DC, Secretary
Laura Scholl, Lay Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator
Brad Shaff, Assistant Attorney General
Barbara Remmers, Investigator
Bob Semerena, Investigation Administrator
Mike Grutsch, Program Manager

Adoption of the Agenda

Davis moved, seconded by Scholl, to adopt the agenda with the additions of IX. H. Perceptorship Extension, and IX. I. Change National Board Scores and Raising Accumulative Average for Examination. Voting aye: Earhart, Hanssen, Davis and Scholl. Voting nay: None. Not voting: None. Motion carried.

Approval of Minutes

Davis moved, seconded by Scholl, to approve the minutes of the board meeting and teleconference for March 17 and July 25, 2005. Voting aye: Hanssen, Davis, Scholl and Earhart. Voting nay: None. Not voting: None. Motion carried.

**INVESTIGATIONAL REPORTS &
LICENSURE APPLICATION (Closed Session)**

Davis moved, seconded by Hanssen, to move into closed session at 9:15 a.m. for the purpose of discussing investigational reports and protecting the reputation of individuals. Voting aye: Davis, Scholl, Earhart and Hanssen. Voting nay: None. Not voting: None. Motion carried.

Davis moved, seconded by Scholl, to come out of closed session at 11:55 a.m. Voting aye: Scholl, Earhart, Hanssen and Davis. Voting nay: None. Not voting: None. Motion carried.

Shaff left the meeting at 10:30 a.m.
Remminger, Semerene and Grutsch left the meeting at 11:15 a.m.

LICENSURE APPLICATIONS

Davis moved, seconded by Hanssen, to approve licensure for Jesse Karpen and Ryan Gross.
Voting aye: Earhart, Hanssen, Davis and Scholl. Voting nay: None. Not voting: None. Motion carried.

PACE DISCUSSION (Attachment A)

Hansmeyer received an email from the Federation of Chiropractic Licensing Boards (FCLB) regarding a meeting with representatives of the Council of the Chiropractic State Associations to discuss concerns they have with the new PACE program. The concerns covered the following five categories:

- **Content**
 - Equal standards for subluxation-based and non-subluxation-based courses
 - All programs and material judged uniformly based on Criteria
 - Philosophy will be assessed and available for boards that accepts this form of CE
 - PACE will evaluate every area of content now considered for approval by boards
- **Authority**
 - PACE is a multi-layer program, with initial quality assessment done by experts in postgraduate education from ACC Colleges and oversight by the regulatory boards.
 - PACE WILL NOT and CANNOT be the only approval process available
- **Voluntary Participation**
 - Boards are encouraged to retain their authority and discretion to approve non PACE programs
 - State associations MAY wish to partner with a PACE provider to access the benefits of PACE
- **Costs**
 - Development and implementation costs are high for FCLB
 - Fees projected to begin to cover program expenses in 3-4 years
 - Fees will be lowered if income exceeds expectations
 - FCLB is non-profit and legally CANNOT profit from this project
- **Testing**
 - PACE does not require a post course test
 - PACE requires a satisfaction survey
 - Feedback regarding satisfaction with course

Hansmeyer stated that her reason for putting this subject on the agenda is to keep the board informed about PACE because PACE is recognized in the Nebraska Chiropractic Regulations

The PACE program is not operational yet, but it should be sometime in 2006.

Hansmeyer explained how PACE would work in the continuing education process and if a program/class is approved by PACE, the program is okay for Nebraska licensees to take. If a program is not PACE approved, the licensee may still take it, but it must meet the criteria as spelled out in the regulations before it is acceptable for renewal purposes. She also explained that licensee would only have to attest to the fact that they have taken and met the continuing education requirements, but if licensees are audited they would have to send in certificates of attendance and objectives for each program. If staff can determine that the appropriate courses were taken then the person would be renewed, if not, the information would be sent to the Board to make the decision.

STATUTORY ISSUES

Extended Preceptorship (Statute §71-178(4) (Attachment B)

Hansmeyer stated that a student who had completed his course of study, but had not taken parts 3 and 4 of the national examination contacted her. This person could graduate in May, but had decided not to and was participating in an extended preceptorship at Cleveland Chiropractic College.

An extended preceptorship in Cleveland's eyes is that the student enroll for this program and they keep doing clinical, so that they can keep their skills current because they haven't met all of the requirement for a license. This could be a student who has not gotten their paper work in timely or who hasn't pass the examination and has to retake it, or there could be some other reasons why this person is participating in an extended preceptorship.

This individual had two questions: if he was under the exemption clause in the statutes; and if he could continue to do the extended preceptorship. Hansmeyer talked to HHSS's legal staff and found out that he could not because he actually completed the course of study and he could graduate if he wanted to. Hansmeyer told him that in Nebraska his situation doesn't fall under the statutes, therefore we would not recognize the extended preceptorship and he would have to have a license before he could practice.

She wanted to let the Board know what was said in case this individual tries to contact them. She said that a chiropractor's office called and asked if this young man could adjust and her answer to them was yes, if he was under a preceptorship as defined in the statutes he would be able to do what a licensed chiropractor could do because he would be supervised by a chiropractor. She said that when they told her his name she stated that he was not under a preceptorship, because he is doing something additional and that is not a true preceptorship as addressed in Nebraska's practice act.

Hansmeyer said that she has gotten several letters from Cleveland regarding this student and felt that she should write to the registrar to let her know that the individual is not qualified for a preceptorship in Nebraska.

Helen Meeks, Administrator of Credentialing, asked Hansmeyer to see if the Board wanted to

change their statutes in order to recognize an extended preceptorship. The Board discussed this issue and decided not to change their statutes for an extended preceptorship.

Recess 11:30 a.m.
Reconvened at 11:45 a.m.

**Limit Number of Times Prospective Licensees
Can Take The National Examination**

Hansmeyer stated that some professions have a limited amount of time that a person can take the examination after failing before remedial education is required before taking the examination again. Davis replied that the national board might already have some standards in place and asked if further research could be done on this subject.

Hansmeyer will research and discuss this subject at the next board meeting.

Earhart wanted the Board to consider raising the bar for the national board scores because of the report that he has been getting at the FCLB board meetings. That is, that the doctors that are getting into trouble are the students that graduated from pre chiropractic colleges and chiropractic colleges with a GPA of 2.5 to 3.0. He wants the Board to consider raising the nation board scores and also the GPA to apply for a Nebraska license. He suggested that this be discussed at the retreat. Hanssen and Davis suggested that the Board get documentation to support their decision should they decide a change is in order. Hanssen agreed that the standards should be raised especially on parts III and IV of the national examination.

Shaff returned to meeting at 12:46 a.m.

Treatment of Animals by Chiropractors

The Board discussed the treatment of animals by chiropractors and decided that in keeping within the scope of practice of chiropractic that they can not treat animals.

**SCOPE OF PRACTICE Questions and
Authority to Order CT Cerebral Angiography Tests (Attachment C)**

Jessica Ledbetter wrote to the Board inquiring asking chiropractor authority to order CT cerebral angiography tests, and the limitations on their ordering authority for radiology services.

After discussion Hanssen moved, seconded by Davis, that a chiropractor has the authority to order radiological tests such as a CT scan, MRI used to show blood flow within the brain or CT angiographic test. Voting aye Hanssen, Earhart, Davis and Scholl. Voting nay: None. Voting nay: None. Not voting: None. Motion carried.

Is Subluxated Coccyx within the Scope of Practice? (Attachment D)

Chris Kemper, DC, wanted to know if subluxated coccyx with the internal rectal approach is within the legal scope of practice of doctors of chiropractic in Nebraska. After discussion by the Board, Hanssen moved, seconded by Davis, that the evaluation of treatment of the coccyx internal or external is within the scope of practice of a chiropractor in the State of Nebraska.

Voting aye: Earhart, Davis, Scholl and Hanssen. Voting nay: None. Not voting: None. Motion carried.

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Motion: Scope and Limitations of Ordering Authority

The Board discussed limitations of ordering authority and will answer the question by referring Ms. Ledbetter to 172 NAC 29, Section 003 of the Regulations that govern the practice of chiropractic.

MANAGED CARE COMPANIES RESTRICTIONS (Closed Session)

Hanssen moved, seconded by Davis, to move into closed session at 1:05 p.m. for the purpose of discussing managed care issues and to protect the reputation of individuals). Voting aye: Davis, Scholl, Earhart and Hanssen. Voting nay: None. Not voting: None Motion carried.

Out of Closed Session

Scholl moved, seconded by Davis to come out of closed session at 1:50 p.m. Voting aye: Hanssen, Scholl, Davis and Earhart. Voting nay: None. Not Voting: None. Motion carried.

FCLB DISTRICT MEETING

September 29-October 1, 2005

Hilton Hotel, Omaha, NE

Hanssen moved, seconded by Scholl, that Board members and HHSS staff attend the FCLB District Meeting, on September 29 through October 1, 2005, Hilton Hotel, Omaha, Nebraska. Voting aye: Scholl, Hanssen, Davis and Earhart. Voting Nay: None. Not voting: None. Motion carried.

SUBJECTS TO DISCUSS AT RETREAT

The Board reviewed the list of subjects to be discussed at the First Annual Retreat, which will be held at 706 West 4th Street, Grand Island, Nebraska, on September 16, 2005, beginning at 10:00 a.m. and added to the list; H. Extended Perceptorship, I. Increasing National Board Scores/ GPA for Nebraska Licensure, and J. Update Guidelines and Procedure for VBI Testing.

Shaff left the meeting at 2:00 p.m.

OLD BUSINESS

CCE Prerequisites for Certification

Hansmeyer will get information on CCE International for the December 9th Board meeting.

Requirements for Colleges to Become Accredited

This subject will be placed on the December agenda.

NEW BUSINESS

ULL Rewrite & Practice Act Amendments

All board members were sent copies of the proposed changes to the Uniform Licensing Law and Hansmeyer ask them to review this information and let her know if they wanted to change anything. She discussed suggestions that other board members made at the All Boards Meeting, which was held in June. She stated that one of the questions to the Board was what they think boards should have full authority for. Some of the answers were: continuing

competency, reinstatement of a license when it is for disciplinary reasons, and requirements for licensure.

Hanssen moved, seconded Davis, that the language in the Uniform Licensure Law be changed from advice to approval. Voting aye: Hanssen, Scholl, Earhart and Davis. Voting Nay: None. Not voting: None. Motion carried.

Mission and Objectives of the Credentialing Div. (Attachment E)

Hansmeyer updated the Board on the missions and objectives of the Credentialing Division. She discussed the outcomes and measures for consumers, licensees, licensing boards, contractors, private or governmental agencies, provider associations, and federations and councils.

Hansmeyer stated that a survey is being developed and would be sent to the Board. The focus of the survey is; "Does the Credentialing Division provide you with the tools necessary to do your job as a board member?"

Re-Affirmation of Mail Ballots (Attachment F)

Scholl moved, seconded by Davis to reaffirm the mail ballot votes for Drs. Terry Teichmeier, Chad Miller, Toby Green, Randy Barnes and Richard Arndt. Voting aye: Earhart, Davis, Hanssen and Scholl. Voting nay: None. Not voting: None. Motion carried.

LAP Report

Hansmeyer reviewed the Licensee Assistant Program (LAP) Report for April 4 through June 30, 2005 and gave statistical information gathered and compiled by the Director of LAP.

American Chiropractic Network

4 year Chiropractic Degree (Logan College) (Attachment G)

The Board received a letter from Patrick Brown, Ed.D., Logan College of Chiropractic regarding the state of Nebraska participating in a four year degree articulation agreement program. He wrote that Logan is currently establishing programmatic articulation agreements with numerous regionally accredited undergraduate institutions throughout the United States. Through articulation programs they are planning to expand into Midwestern United States and include schools in Nebraska and surrounding states.

Davis asked that the Board conduct research to find out what other states are doing before Nebraska make changes in their educational requirements.

MISCELLANEOUS

Board Retreat

Friday, September 16, 2005, at 10:00 a.m. in Grand Island, NE

Next Board Meeting

The next board meeting will be held on Friday, December 9, 2005 at 8:30 a.m. in Lincoln,

Nebraska.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 4:18 p.m.

Respectfully submitted,

Gaylord Hanssen, DC, Secretary